

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE GARCIA,

Petitioner,

vs.

NO. 05CV1275 MV/WDS

**STATE OF NEW MEXICO and
DEBACA COUNTY,**


Respondents

ORDER

THIS MATTER came before the Court on Respondents' May 1, 2006 motion to dismiss Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254. (Docket No. 12) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, and being otherwise fully advised, I find that the motion should be granted.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Respondents' motion to dismiss the petition for habeas corpus (Docket No. 12) is **GRANTED**.



MARTHA VALQUEZ
UNITED STATES DISTRICT JUDGE